

Remarks

Claims 1-53 are pending. Claims 17-27 are rejected. Claims 1-16, and 28-53 are withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 23-27 are rejected under 35 U.S.C. § 112, first paragraph, as lacking sufficient description. Applicant respectfully points out that the lower end of the concentration point of the proteoglycan in the claims were removed per the Examiner's suggestion. Regardless, Applicant believes the rejections are now moot in light of the amendment to claims.

Applicant also believes the amendment to claims moots the issue that the Examiner raises in section 10 of the Office Action mailed on October 31, 2007.

Rejections under 35 U.S.C. 103

Claims 17-27 are rejected under 35 U.S.C. 103(a) as being obvious over WO 93/09800 A1 by Ruoslahti et al. ("Ruoslahti").

Claimed invention

Claims 17 and 23 are independent claims. Claim 17 defines a skin care composition. The composition comprises an amount of a proteoglycan compound **effective for repairing damages to skin by skin inflammation, skin pigmentation, dermal collagen disorganization, or aging.**

Claim 23 defines a skin care composition. The composition comprises: (a) an amount of a cell lysate, extract, or media enriched with a proteoglycan compound **effective for repairing damages to skin by skin inflammation, skin pigmentation, dermal collagen disorganization, or aging; and b) hyaluronic acid.**

Cited reference

Ruoslahti describes sequencing of decorin protein and its use for reducing scars in wound healing. Ruoslahti teaches that decorin reduces scarring by excessive extracellular matrix accumulation in the wound healing process.

The claimed invention is nonobvious over Ruoslahti

A. Ruoslahti does not teach an amount of a proteoglycan compound effective for repairing damages to skin by skin inflammation, skin pigmentation, dermal collagen disorganization, or aging.

Ruoslahti does not teach an amount of a proteoglycan compound effective for repairing damages to skin by skin inflammation, skin pigmentation, dermal collagen disorganization, or aging as defined by claims 17 or 23.

The Examiner alleges that the claims are obvious over Ruoslahti because the claims do not define a composition having structural difference from the decorin used in Ruoslahti. This assertion ignores the element of “an amount of a proteoglycan compound” or “an amount of a cell lysate, extract, or media enriched with a proteoglycan compound” “effective for repairing damages to skin by skin inflammation, skin pigmentation, dermal collagen disorganization, or aging” as recited in the claims of the present invention. For example, an amount of the proteoglycan effective as defined in claim 17 is certainly different from an amount of decorin, whatever it may be, as described in Ruoslahti for reducing scarring, for (1) damages to skin damages resulted from skin inflammation, skin pigmentation, dermal collagen disorganization, or aging would not necessarily involve excessive extracellular matrix accumulation, and thus, (2) repairing such damages also would not necessarily involve reducing excessive extracellular matrix accumulation as described by Ruoslahti. A mere optimization of the decorin composition described by Ruoslahti would in no way lead

a person of ordinary skill in the art to the composition as defined by claim 17 for the amount as defined in claim 17 is effective for repairing damages to skin by biological processes entirely different from the one described by Ruoslahti. The same is true with respect to Ruoslahti and the composition as defined by claim 23.

B. Ruoslahti would not lead a person of ordinary skill in the art to have a reasonable expectation of success of the claimed invention.

As mentioned above, the claimed invention defines a composition effective for repairing damages to skin **resulted from skin inflammation, skin pigmentation, dermal collagen disorganization, or aging.** In contrast, Ruoslahti describes a decorin composition that reduces scarring in a wound by reducing excessive extracellular matrix accumulation. The targeted biochemical processes in claims 17 or 23 and Ruoslahti are entirely different. Therefore, Ruoslahti would not lead a person of ordinary skill in the art to have a reasonable expectation of the composition as defined in claims 17 or 23.

In sum, claims 17 and 23 are patentably allowable over Ruoslahti under 35 U.S.C. §103(a). Claims 18-22, which depend from claim 17, and claims 24-27, which depend from claim 23, are patentably allowable over Ruoslahti under 35 U.S.C. §103(a) for at least the same reason.

Claims 17 and 19-22 are rejected as being obvious over Soo et al., American J. Pathology, vol. 157(2):423:433 (2000) (“Soo”)

Soo describes use of fibromodulin for wound repair without the formation of scar tissue by modulating both TGF-beta activity and extracellular matrix assembly. However, Soo fails to teach a composition that includes “an amount of a proteoglycan compound” or “an amount of a cell lysate, extract, or media enriched with a proteoglycan compound” “effective for repairing damages to skin by skin inflammation, skin pigmentation, dermal collagen disorganization, or

aging” as recited in the claims of the present invention. For the reasons discussed above, claims 17 and 19-22 are patentably allowable over Ruoslahti under 35 U.S.C. §103(a).

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. **07-1850**.

CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: January 29, 2008
Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 393-9885
Facsimile (415) 393-9887

Respectfully submitted,

/ZL/
Zhaoyang Li, Ph.D., Esquire
Reg. No. 46,872